

**REMARKS**

Claims 1-3, 5-15, 27, 28, 30 and 32-44 are pending. Claims 4, 16-26, 29 and 31 have been cancelled without prejudice or disclaimer as being directed to non-elected subject matter. Applicant expressly reserves the right to file one or more divisional applications, containing claims which recite the subject matter presented by one or more of the now-cancelled claims. New claims 35-44 are supported by the originally filed claims and page 2, first full paragraph.

I. Specification and Claim Amendments

The specification, claims 13 and 34 stand objected to due to an informality. In response, the specification and claims 13 and 34 have been corrected.

II. 35 USC § 102

Claims 1, 3, 5, 7, 8, 10 and 12 stand rejected under 35 USC § 102(b) as allegedly being anticipated by Strasser (U.S. Patent No. 5,433,048); claims 1, 2, 9-11 and 13-15 stand rejected under 35 USC § 102(b) as allegedly being anticipated by Pelosi, Jr. et al. (U.S. Patent No. 5,553,431), and claims 1, 3, and 5-10 stand rejected under 35 USC § 102(b) as allegedly being anticipated by DeGraan (U.S. Patent No. 4,655,009). The Office Action asserts that all of the features recited by the particular claims are taught by the respective reference(s).

Present claim 1 recites the following elements in a molding: (1) a core; (2) a surface formed of a thermosetting resin and a (3) décor sheet; (4) a generally planar floating floor engaging surface; and (5) a pad positioned along the floating-floor engaging surface forming a moisture resistant seal when the molding is installed. According to the Office Action, each of the three references teaches each of the five listed elements (as claim 1 is allegedly anticipated by all three references).

A. Strasser

Applicant respectfully presents that Strasser does not teach each element recited by the rejected claims. For example, the Office Action refers to surface 5 as the décor sheet. However, element 5 does not refer to a décor sheet at all. Applicant directs the Examiner's attention to

Col. 3, lines 37-39, wherein element 5 is defined as “a decorative profile” with no mention of a “décor sheet” as recited by the present claims. Additionally, while Col. 2, line 22 may discuss a synthetic resin, such synthetic resin does not form a surface of a molding being different from a core.

Furthermore, while the Office Action identifies the body of the molding of the reference as the presently recited “core”, no further description is provided. As is generally understood in the art, a “core” is a disparate material from the remainder of a structure. Thus, while the core of formed of a different material, the core may be formed of the same material, if a characteristic differs, such as, for example, density or color. As a result, Strasser is lacking a surface formed from a thermosetting resin and a décor sheet, in addition to a core.

B. Pelosi, Jr. et al.

Applicant respectfully presents that Pelosi, Jr. et al. does not teach each element recited by the rejected claims. Again, the Office Action generally refers to core, without specifically identifying the corresponding structure in the cited reference. While the flexible extruded vinyl is a thermosetting resin, the flexible extruded vinyl forms the cove base, and has no disclosure of a surface containing a décor sheet (Col. 3, lines 13-15). Although element 36 may be a “core” as, the Office Action states that foam 36 is akin to the presently recited pad, thus, no core is present in addition to the “pad” recited by the present claims.

Additionally, the Office Action points to element 18 as being equivalent to the present recited décor sheet, however, Col. 3, line 31 describes element 18 as “a finished front surface”. Thus, element 18 is not described as a décor sheet. Absent all these features of the claims, Pelosi, Jr. et al. cannot possibly act as an anticipatory reference.

C. DeGraan

Applicant respectfully presents that DeGraan does not teach each element recited by the rejected claims. Just as with the previously discussed references, the Office Action generally refers to core, without specifically identifying the corresponding structure in the cited reference.

While the elastomer strip 1 of DeGraan may be formed from an elastomer, there is no structure corresponding to the presently recited core.

Similarly, there is no structure corresponding to the presently recited décor sheet. The Office Action refers to element 11 as being equivalent to the décor sheet, however, it is not understood how central web 11 of DeGraan can be considered a décor sheet as presently claimed.

Thus, Applicant notes that none of the cited references teaches a surface formed of a thermosetting resin, having a décor sheet. Even if the references may generally teach a resinous structure, e.g., the mounting or fitting of Strasser, the cove base 10 of Pelosi et al. and the strip 11 of DeGraan, none of these structures include (or suggest to include) a core made of one material, in addition to a surface formed from a thermosetting resin. And, none of these references teach or suggest to provide a décor sheet with the thermosetting resin to form the surface.

### III. 35 USC § 103

Claims 27, 28, 30, and 32-34 stand rejected under 35 USC § 103(a) as allegedly being unpatentable over Pelosi, Jr. et al. With respect to claims 27, 28, 30 and 34, the Office Action asserts that because Pelosi, Jr. et al. teaches each structural element, the recited method steps “would have been obvious method steps”.

However, the allegedly obvious method steps of preventing moisture from seeping into a gap into a gap in the structure of Pelosi, Jr. et al. does not meet the features of claim 27. Specifically, claim 27 recites “installing a molding into contact with the floating floor” (emphasis added). While Pelosi, Jr. et al. teaches a floor, generally, only tile or carpeting is specifically disclosed. Nowhere in this reference is floor 32 or tile 30 described as being a “floating floor”, with the unique advantages and problems (described in the present specification at page 1) not realized in traditional flooring products (which are secured to a subfloor). Applicant respectfully submits that the term “floating floor” is a term of art, commonly known to those skilled in the art, and generally described in U.S. Patent No. 6,134,854. Thus, while it may have been obvious to install the elements described by Pelosi, Jr. et al. over a traditional floor, such as a carpet or tile,

one of ordinary skill in the art would not have been motivated to utilize the structure and method of Pelosi, Jr. et al. with types of flooring neither taught nor suggested therein.

With respect to claims 32 and 33, the Office Action asserts that it would have been obvious to modify the (allegedly) obvious method of installing the structure of Pelosi, Jr. et al. to include a silicone sealant at the ends of the molding and to protect the corner when the floor is washed with water. However, as described above, Pelosi, Jr. et al. fails to teach or render obvious the installation of the structure described therein over a floating floor, thus, the utilization of a silicone sealant cannot render claims 32 and 33 obvious as well.

IV. Conclusion

In view of the above, it is respectfully submitted that all objections and rejections are overcome. Thus, a Notice of Allowance is respectfully requested.

Respectfully submitted,



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